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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/458,319	12/10/1999	AIDAN JAMES SMYTH	60136.0087USU1	8719

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EXAMINER
RAMAN, USHA

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Response to Arguments

1. Applicant's arguments filed May 26, 2009 have been fully considered but they are

not persuasive.

Applicant argues (See Remarks, page 3), "Day merely discloses a user may

select a plurality of video files and once all of the video files have the same operating

characteristics, a play list is prepared" and that, "Day does not indicate that the

playlist is maintained for the subscriber or that any information is maintained that

would allow the subscriber to access the playlist at a different time". Examiner

respectfully disagrees with applicant's position. In its broadest sense, a playlist is a

sequence of clips. Considering the scenario where a user selects one or more video

files to playback, a *sequence* of those video files is created, which would be the

playlist. In the case where there are multiple users making requests for multiple

clips each, multiple sequence of video files are created for the multiple users.

Accordingly the server maintains a plurality of playlists. Examiner additionally notes

that applicant's claimed maintaining a playlist does not necessarily *require* that a

subscriber be allowed to access the playlist at a different time. In the system of Day,

while a plurality of user session is in progress with the session manager, the session

manager at least maintains the playlist for each active user at that time.

Applicant argues (see Remarks, page 4) that, "Chowdhury fails to suggest

communicating termination notification to the session manager" and that

"Chowdhury fails to suggest determining when a remaining portion of a current

content stream provided to the subscriber equipment falls below a threshold so that

a termination notification maybe communicated". However applicant is requested to consider the evidence and knowledge that was available to one of ordinary skill in the art at the time of the invention. Firstly Day discloses the step of initializing a next clip in a playlist *prior* to completion of the current clip so that user does not perceive any freeze/gaps during playback, wherein further discloses issuing a completion notification so that the next queued file can be read and subsequently transferred after the completion of reading the first file. Accordingly the modified system comprises the step of transmitting a termination notification at a predetermined time before a current clip complete, so that the initialization of the next clip can begin without causing any playback freezes.

Applicant further argues (see Remarks, page 5), that , "DeMoney is silent regarding the specific identification of entry and entry points within content streams". Examiner respectfully disagrees. DeMoney discloses using "random-access" points (i.e. splicing points) already available in an MPEG stream that allows seamless switching between two streams. It is using these random access points, DeMoney can seamlessly join the "middle" of a trick-play stream, without having to start playback over again in the trick play stream. Note column 5, lines 47-52, column 9, lines 25-30.

For these reasons stated above, the rejection is maintained.

Conclusion

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to USHA RAMAN whose telephone number is (571)272-7380. The examiner can normally be reached on Mon-Fri: 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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